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June 12, 1980

Ms. Erica Dolgin
Hazardous Waste Section
U.S. Department of Justice
Land and Natural Resources Division
Room 1644
Washington, D.C. 20530

Dear Erica:

Enclosed are (1) my draft of additional prayers for relief which are intended to augment the prayers in your draft complaint and to require Reilly Tar to foot the bill for ongoing remedial activities and for the State - U.S. Geological Survey "wish list," and (2) a memo from Health Department hydrologist Mike Convery which will provide the additional factual allegations to support the prayers for relief. I regret that I did not have the opportunity to convert the Convery memo into a pleading format. I will be gone June 16-27 on a camping vacation in Canada but Dennis Coyne (612-296-7702) will be here working on the case.

I have also asked Allen Hinderaker, one of the attorneys for the City of St. Louis Park, to send you the property information you requested. He may also have some additional ideas on interim relief.

The pleadings from the other RCRA cases you sent on May 23 arrived the afternoon of June 9. They had a mysterious trip but I am looking forward to going through them.

I have reviewed the Lathrop Occidental decision and discussed the Safe Drinking Water Act claim with representatives of the State Health Commissioner. Even in light of the language of the House Report discussed in Occidental I do not see Reilly Tar as an appropriate case for pleading this Act. As you can see from the relief prayers I drafted, state and local efforts to define the contamination, limit its spread through well abandonment, control its health impact through well closings, design remedial measures, and seek imposition of legal liability on the generator have been extensive. Well over half a million dollars, exclusive of regular employee salaries, have been devoted to this effort. Could you review the reasons for including a Safe Drinking

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Water Act claim and the possible complexities that might arise from the "State inaction" requirement of section 1431(a) and give Dennis Coyne a call about it in the next week.

Please call if we can be of more help on the relief or anything else.

Very truly yours,

STEPHEN SHAKMAN
Special Assistant
Attorney General

SS:ds

cc: Maureen Brennan
Bob Leininger

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PRAYERS FOR RELIEF

WHEREFORE, the plaintiff the United States of America, prays that this Honorable Court:

1. Issue a preliminary and permanent injunction requiring defendant Keilly Tar and Chemical Corporation to do as follows:

A. Water Supply

1. Provide and pay for restarting St. Louis Park wells 10 and 15 and treating the well water to reduce the concentration of PAH compounds to levels deemed safe by the EPA and the Minnesota Department of Health, including repayment to St. Louis Park of any expenses already incurred for these purposes.

2. Provide and pay for (a) a study of the feasibility and costs of redrilling St. Louis Park wells affected by coal tar derivatives in order to reach deeper aquifers not affected by those substances; and (b) design, equipment, labor, and construction and other costs for redrilling wells and restoring water service where feasible, including repayment to St. Louis Park of any expenses already incurred for these purposes.

3. Provide and pay for design, equipment, labor, construction and operation costs for hooking up the St. Louis Park water system to the Minneapolis water system as necessary to provide a normal water supply to all portions of St. Louis Park affected by the coal tar contamination, and pay St. Louis Park any costs incurred

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for purchase of Minneapolis water above the costs St. Louis Park would have incurred in obtaining water from its well system had that system not been affected by contamination.

B. Well Abandonment

1. Reimburse the State of Minnesota \$70,000 expended in investigating, sealing and/or recompleting wells which were facilitating or appeared likely to facilitate, the spread of contaminants.

2. Provide and pay for searching for, inspecting, cleaning and properly abandoning additional wells which are facilitating, or appear likely to facilitate, the spread of contaminants; and provide and pay for sampling analyses and continued monitoring of water from such wells as determined by the EPA, the Minnesota Pollution Control Agency and the Minnesota Department of Health.

C. Study of Soil and Groundwater Contamination and Movement

1. Reimburse the United States \$200,000 expended through September 30, 1980, for its share of the expense of the U.S. Geological Survey (U.S.G.S.) investigation of ground water contamination caused by defendant Reilly Tar and Chemical Corporation and pay for the following additional investigative measures to be carried out under the direction of the U.S.G.S.:

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- (a) Continue the water quality monitoring program in the U.S.G.S. study area, including at a minimum measurement of piezometric levels and sampling and analyses of well water in at least 115 wells;
 - (b) Implement a full-scale pumping test in each of the two drift aquifers underlying the site, including treatment and disposal of effluent, installation and operation of monitoring wells and installation and observation of water level recorders;
 - (c) Drill a test core for a relief well immediately adjacent to well W23 on the site and at least as deep as the bottom of the Prairie du Chien formation to be used for evaluating contamination in the Prairie du Chien aquifer and in monitoring clean-up of the material filling over 300 feet of W23.
 - (d) Install additional monitoring wells in the St. Peter, Prairie du Chien - Jordan, and Hinckley aquifers.
2. Reimburse the State of Minnesota \$110,000 for the expense of the Barr Engineering Company investigation of ground water contamination caused by defendant Reilly Tar and Chemical Corporation and \$130,000 for the State's share of the expense of the U.S. Geological

Survey investigation of that contamination; and pay for additional sampling and analyses of well water by the Minnesota Department of Health to track the possible spread of PAH compounds and other priority pollutants resulting from the Reilly Tar operation and to assist the U.S.G.S. water quality monitoring program.

D. Study of Measures to Abate Soil and Ground Water

Contamination

Pay for the study of measures to abate the soil and ground water contamination currently being conducted for the State of Minnesota by the consortium of Eugene A. Hickok and Associates, Henningson, Durham and Richardson, and Geraghty and Miller, Inc., and pay for such additional studies, including bench studies and pilot projects, as may be necessary to determine the means of abating the soil and ground water contamination.

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